

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB-03-AT-077
)	
Cumulus Licensing Corp.)	NAL/Acct. No. 200332480025
Owner of Antenna Structures)	
#1052722 and #1052724)	FRN: 0005-2603-77
near Savannah, Georgia)	

MEMORANDUM OPINION AND ORDER

Adopted: March 17, 2008**Released: March 17, 2008**

By the Commission:

I. INTRODUCTION

1. By this *Memorandum Opinion and Order* (“*Order*”), we deny an Application for Review filed on March 6, 2006, by Cumulus Licensing Corporation (“Cumulus”), owner of antenna structures, registration numbers 1052722 and 1052724, near Savannah, Georgia, of the Enforcement Bureau’s *Memorandum Opinion and Order*, released February 2, 2006.¹ The *MO&O* denied Cumulus’ Petition for Reconsideration of an Enforcement Bureau *Forfeiture Order*,² released December 28, 2004, which found Cumulus liable for a forfeiture in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 17.50 of the Commission’s Rules (“Rules”).³ The noted violation involves the failure of Cumulus to clean and repaint its antenna structures to maintain good visibility.

II. BACKGROUND

2. On March 26, 1998, Cumulus acquired the subject antenna structures associated with AM radio station WBMQ, Savannah, Georgia. Approximately three years and five months later, on August 22, 2001, an agent from the Enforcement Bureau’s Atlanta, Georgia Field Office (“Atlanta Office”) inspected the subject antenna structures and found that the paint was badly faded and peeling, greatly reducing the structures’ visibility. On September 19, 2001, the Atlanta Office issued a *Notice of Violation* (“*NOV*”) to Cumulus, noting, among other things, a violation of Section 17.50 of the Rules. On October 15, 2001, Cumulus responded that it was acquiring bids to repaint the structures and anticipated that the towers would be painted by December 31, 2001.

3. On October 18, 2001, the Atlanta Office issued a *Continuation of Notice of Violation* requesting a status report on the antenna structure repainting. In its response dated January 9, 2002, Cumulus replied that it would decide no later than January 31, 2002, whether to repaint or replace the towers. On February 4, 2002, Cumulus submitted an additional reply to the Atlanta Office stating that it planned to replace the structures by June or July of 2002. On July 31, 2002, Cumulus submitted another reply stating that it planned to relocate the transmitter site for WBMQ to another of its towers in Savannah, Georgia, after which it would dismantle the antenna structures.

¹ *Cumulus Licensing Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 1032 (Enf. Bur. 2006) (“*MO&O*”).

² *Cumulus Licensing Corp.*, Forfeiture Order, 19 FCC Rcd 24815 (Enf. Bur. 2004) (“*Forfeiture Order*”).

³ 47 C.F.R. § 17.50.

4. On March 18 and 19, 2003, approximately 18 months after issuing the *NOV*, an agent from the Atlanta Office re-inspected the antenna towers, and determined that the structures remained unpainted and that the orange and white aviation bands were not distinguishable at a distance of one-half mile. On May 27, 2003, the Atlanta Office issued Cumulus a *Notice of Apparent Liability for Forfeiture*⁴ proposing a forfeiture in the amount of \$10,000 for apparent willful⁵ and repeated⁶ violation of Section 17.50 of the Rules. In its August 1, 2003, Response to the *NAL* (“Response”), Cumulus did not contest the violation, but sought a downward adjustment of the forfeiture amount due to an overall history of compliance.⁷ Cumulus also sought a reduction of the proposed forfeiture amount based on its efforts to solve the problem once it received notice of the violation from the Atlanta Office.⁸ Cumulus described the remedial steps it had taken to date to cure the violation and the difficulties posed by the towers being located in protected wetlands. Cumulus stated that it solicited bids from three tower companies, but each determined that the towers were unsafe to climb and further, one company reported that the towers should be condemned.⁹ Cumulus also explained that the Army Corps of Engineers, which is responsible for protecting the wetlands, was concerned that scrapings of the lead paint would fall into the wetlands and could harm its inhabitants. Cumulus claimed that it then decided to dismantle the towers and replace them, but the “considerable cost” of erecting new towers in the place of the dismantled towers was “prohibitive.”¹⁰ Finally, Cumulus stated that it planned to move the transmitter site of WBMQ to its nearby station.

5. On December 28, 2004, the Enforcement Bureau released a *Forfeiture Order* finding Cumulus liable for a monetary forfeiture in the amount of \$10,000 for willful and repeated violation of Section 17.50 of the Rules. The Enforcement Bureau determined that Cumulus’ efforts to cure the violation were remedial as they were initiated in response to Commission notification, and concluded, that consistent with precedent that the remedial or corrective action did not mitigate the forfeiture at issue.¹¹

⁴ *Cumulus Licensing Corp.*, Notice of Apparent Liability for Forfeiture, NAL/Acct. No. 200332480025 (Enf. Bur., Atlanta Office, released May 27, 2003) (“*NAL*”).

⁵ Section 312(f)(1) of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful,’ . . . means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act . . .” The *Conference Report* for Section 312(f)(1) of the Act indicates that Congress intended to apply this definition to Section 503 of the Act as well as Section 312 of the Act. See H.R. Rep. 97th Cong. 2d Sess. 51 (1982); see *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991), *recon. denied*, Memorandum Opinion and Order, 7 FCC Rcd. 3454 (1992) (“*Southern California Broadcasting*”) and *Western Wireless Corporation*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 10319, 10326 n.56 (2003) (“*Western Wireless*”).

⁶ Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that a violation is “repeated” if it continues for more than one day. The *Conference Report* for Section 312(f)(2) of the Act indicates that Congress intended to apply this definition to Section 503 of the Act as well as Section 312 of the Act. See H.R. Rep. 97th Cong. 2d Sess. 51 (1982). See *Southern California Broadcasting*, 6 FCC Rcd at 4388 and *Western Wireless*, 18 FCC Rcd at 10326 n.56.

⁷ Response at 5.

⁸ *Id.* at 4.

⁹ *Id.* at 2.

¹⁰ *Id.* at 3.

¹¹ *Forfeiture Order*, 19 FCC Rcd at 24818 citing *AT&T Wireless Services, Inc.*, Forfeiture Order, 17 FCC Rcd 21866, 21871 (2002) (“*AT&T Wireless*”) (remedial action to correct tower painting violation was not a mitigating factor warranting reduction of forfeiture); *Seawest Yacht Brokers*, Forfeiture Order, 9 FCC Rcd 6099 (1994) (“*Seawest*”) (corrective action taken to comply with the Rules is expected, and does not mitigate any prior

(continued....)

Moreover, the Enforcement Bureau denied Cumulus' claim of a history of overall compliance based on evidence of numerous violations connected with the operation and maintenance of its other stations.¹²

6. On January 27, 2005, Cumulus filed a Petition for Reconsideration of the *Forfeiture Order*. Again, not disputing the violation, Cumulus asserted that it was "still not legally able to dismantle the towers," explaining that doing so would lead to severe monetary penalties from other government agencies,¹³ and sought a reduction in the forfeiture amount due to the "exceptional circumstances" it continued to encounter in attempting to comply with the Rules. Cumulus stated that although it was making "every effort to comply" with the Rules, it had experienced setbacks and delays due to approvals needed from a variety of governmental agencies before dismantling the towers. For example, Cumulus explained that the absence of a central authority to specify the requirements for dismantling the towers had resulted in a series of delays. Cumulus argued that often, once it met the specific requirements of one agency, "another agency impose[d] different and sometimes conflicting requirements."¹⁴ Cumulus also discussed some of the "substantial progress" it had made toward dismantling the towers: (1) consulting with the relevant governmental agencies and obtaining some of the required regulatory approvals, (2) hiring consultants to evaluate environmental and safety issues and recommend the best approach to dismantling the towers and (3) contracting a construction company to oversee the demolition.¹⁵ Cumulus explained that it had obtained certain environmental agency approvals concerning protected species,¹⁶ filed applications for approvals to dismantle the towers and would continue to update the Commission on its progress in curing the violation. On August 3, 2005, Cumulus informed the Enforcement Bureau that it had completed demolition of the subject towers on July 22, 2005¹⁷ — over seven years after acquiring the towers, and almost four years after receiving the *NOV*.

7. On February 2, 2006, the Enforcement Bureau issued an *MO&O* denying Cumulus' Petition for Reconsideration. The Enforcement Bureau determined, as it had in the *Forfeiture Order*, that Cumulus delayed taking any steps to comply with the rules until it received notice of the violation from the Atlanta Office on September 19, 2001,¹⁸ approximately three years and six months after acquiring the antenna structures. In the *MO&O*, the Enforcement Bureau reiterated the determination of the *Forfeiture Order* — that the Commission has consistently found that "corrective action taken to come into

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forfeitures or violations). See *TCI Cablevision of Maryland*, Memorandum Opinion and Order, 7 FCC Rcd 6013, 6014 (1992) (basing mitigation of a forfeiture upon corrective action taken subsequent to the misconduct upon which liability is based would tend to encourage remedial rather than preventive action); *KGVL, Inc.*, Memorandum Opinion and Order, 42 FCC 2d 258, 259 (1973) (licensees not excused for past violations by reason of subsequent corrective action).

¹² *Forfeiture Order*, 19 FCC Rcd at 24818.

¹³ Petition for Reconsideration at 3. Cumulus stated that it was required to obtain authorization from the Army Corps of Engineers prior to dismantling the towers, and that to do so without such approval could potentially subject Cumulus to a liability of over \$100,000.

¹⁴ *Id.* at 4.

¹⁵ *Id.* at 3. Cumulus asserted that this process involved, among other things, measuring the lead in the top soil to determine the extent of the lead clean up once the towers were dismantled.

¹⁶ Petition for Reconsideration at 3. Cumulus submitted a partial list of the governmental agencies involved in the antenna tower demolition approval process: the Environmental Protection Agency, Federal Aviation Administration, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Georgia Department of Natural Resources and the Chatham County Department of Building Safety & Regulatory Services.

¹⁷ Cumulus Licensing Corp., Final Progress Report at 1 (Aug. 3, 2005).

¹⁸ *MO&O*, 21 FCC Rcd at 1035 citing *Forfeiture Order*, 19 FCC Rcd 24817.

compliance with Commission rules or policy is expected, and does not nullify or mitigate any prior forfeitures or violations.”¹⁹ The Enforcement Bureau stated that Cumulus could not carve out an exception to the Commission’s long-held determination that remedial measures do not mitigate a Rule violation, even when the cure is complicated, takes time and great expense.²⁰ The Enforcement Bureau determined, as it did in its previous orders, that “Cumulus should have known of, and acted on, the lack of paint on the towers prior to or immediately upon the March 26, 1998, purchase of the station and associated towers.”²¹

8. In its Application for Review, Cumulus again does not dispute the Enforcement Bureau’s findings that its towers were in violation of the tower painting rules.²² However, Cumulus reiterates that the Enforcement Bureau has not given “adequate consideration” to the “exceptional circumstances” it faced to “cure this violation,”²³ and argues that these circumstances warrant a reduction in the forfeiture amount “for such matters as justice may require.”²⁴ In addition, Cumulus again seeks a downward adjustment of the forfeiture amount for overall compliance with the rules, a request which was previously denied.²⁵ Cumulus argues that as an owner of more than 260 stations, its “numerous” violations relative to its size, are very small, and that “it is unfair to portray Cumulus as an entity that does not respect Commission rules.”²⁶

9. The forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act, Section 1.80 of the Rules, and *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*.²⁷ In examining Cumulus’ Application for Review, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and any other “such matters as justice may require.”²⁸

III. DISCUSSION

A. Tower Painting Violation

10. Background. Section 303(q) of the Act grants the Commission authority to oversee antenna structure painting requirements.²⁹ Section 303(q) of the Act is codified in Part 17 of the Rules.

¹⁹ *MO&O*, 21 FCC Rcd at 1035 *citing Forfeiture Order*, 19 FCC Rcd at 24818 *citing AT&T Wireless*, 17 FCC Rcd at 21871; *Seawest*, 9 FCC Rcd at 6099.

²⁰ *MO&O*, 21 FCC Rcd at 1035.

²¹ *Id. citing Forfeiture Order*, 19 FCC Rcd at 24817-18.

²² Application for Review at 6.

²³ *Id.* at 2.

²⁴ *Id.* at 8 *citing* 47 U.S.C. § 503(b)(2)(E).

²⁵ *Forfeiture Order*, 19 FCC Rcd at 24818.

²⁶ Application for Review at 7.

²⁷ *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999) (“*Forfeiture Policy Statement*”).

²⁸ 47 U.S.C. § 503(b)(2)(E).

²⁹ 47 U.S.C. § 303(q).

Section 17.50 of the Rules states that antenna structures requiring painting must be cleaned or repainted as often as necessary to maintain good visibility. The Commission has consistently stressed the importance of compliance with antenna structure rules because of the potential danger to air navigation.³⁰ The Commission has established a \$10,000 base forfeiture for violations of its antenna structure painting and lighting requirements.

11. Discussion. For the reasons provided below, we conclude that Cumulus' remedial efforts to bring the tower into compliance do not mitigate its forfeiture for willful and repeated violation of Section 17.50. As an initial matter, the record shows that Cumulus has never disputed the Commission's finding that the antenna structures violated Section 17.50 of the Rules. On the one hand, Cumulus states that it "is not trying to avoid paying a \$10,000 fine."³¹ On the other hand, paradoxically, Cumulus seeks a downward adjustment of the forfeiture amount on the basis of "such other matters as justice may require,"³² claiming that the Enforcement Bureau did not "adequately recognize the elaborate remedial efforts performed by Cumulus" to bring the towers into compliance with the rules.³³ We disagree. Throughout this proceeding, we have acknowledged Cumulus' remedial efforts. Simply stated, however, Cumulus did not initiate a cure for the violation or condition of the tower until *after* it was put on notice by the Commission. It is well established that "corrective action taken to come into compliance with Commission rules or policy is expected, and does not nullify or mitigate any prior forfeitures or violations."³⁴ Thus, Cumulus is not entitled to a downward adjustment for these efforts.

12. Cumulus, which purchased the station and towers on March 26, 1998, admits that it knew that the towers were in bad repair, but claims that it did *not* know at that time that the towers could not be brought into compliance with the tower painting rules.³⁵ The point is unavailing. Cumulus did not do anything before the inspection, to determine whether the towers could be brought into compliance - through repainting or otherwise. Had Cumulus done so, it would have learned, as it did following the inspection, that the towers could not be painted. Cumulus approached three tower painting companies. Each determined that the towers were unsafe to climb -- one company reported that the towers should be condemned.³⁶ Had Cumulus attempted to address the condition of the towers prior to receiving Commission notice through the issuance of the *NOV*, a justification to downwardly adjust the forfeiture amount may arguably have been presented.³⁷ An after-the-fact determination by Cumulus that it could not have cured the violation through repainting, either before or after issuance of the *NOV*, is not a

³⁰ See *SpectraSite Communications*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 22799 (2002) (stressing the importance of compliance with antenna structure rules in light of air safety considerations); see *AT&T Wireless*, 17 FCC Rcd at 21870 (stressing the importance of compliance with antenna structure rules in light of air safety considerations).

³¹ Application for Review at 7.

³² *Id.* At 8.

³³ *Id.* at 6.

³⁴ *MO&O*, 21 FCC Rcd at 1035 citing *Forfeiture Order*, 19 FCC Rcd at 24818 citing *AT&T Wireless*, 17 FCC Rcd at 21871; *Seawest*, 9 FCC Rcd at 6099.

³⁵ Application for Review at 7.

³⁶ Response at 2.

³⁷ See *A-O Broadcasting Corporation*, Memorandum Opinion and Order, 20 FCC Rcd 756, 761 (2005) ("*A-O Broadcasting*") (because licensee showed good faith by obtaining EAS equipment and starting constructing a main studio before the inspection, the forfeiture was reduced); *Radio One Licenses, Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 15964, 15965 ¶ 4 (2003), *recon. denied*, Memorandum Opinion and Order, 18 FCC Rcd 25481 (2003) (reducing a forfeiture from \$9,200 to \$8,000 for EAS violations because the licensee had identified the problems and had ordered replacement equipment *prior* to the Field Office's on-site inspection).

mitigating factor to support a reduction of the forfeiture amount.³⁸ There is no record of any efforts by Cumulus to address the towers' condition prior to notification of the violation. Absent such showing, we concur with the Enforcement Bureau's determination that Cumulus should have known of, and acted on, the tower violation prior to or immediately upon its purchase of the station and associated towers.³⁹

13. Cumulus also argues that the tower painting violation could not be cured by painting the towers, but rather required dismantling. To the extent that Cumulus attempts to argue for mitigation because it could not cure the tower violation by *painting* the towers, it is misguided. What Cumulus fails to acknowledge is that the remedy for violating the Commission's tower painting rules is to bring the towers into compliance with those rules, by whatever means necessary. The remedy for the tower painting violation in this instance was to dismantle them. Cumulus deserves no credit for ultimately doing that which had to be done.⁴⁰

14. Cumulus next claims that the time it takes to cure a violation should be a deciding factor in determining what constitutes exceptional circumstances. Cumulus argues that in *Tower Properties of Florida, Inc.* ("Tower"),⁴¹ the Enforcement Bureau did not find that a delay of a few weeks constituted exceptional circumstances warranting a downward adjustment of the forfeiture amount, but that a delay of four years should.⁴² Cumulus misses the point. In *Tower*, the Enforcement Bureau flatly rejected any notion of time as a mitigating factor in post-notice efforts to cure a tower painting violation, stating that time had "no bearing on the subject forfeiture."⁴³ In *Tower*, the cure took approximately three months. In the instant case, the cure took over four years. Tower Properties and Cumulus both initiated curative measures *after* being notified by the Commission of a tower painting violation. As previously explained, in *Tower* as here, unforeseen and unavoidable circumstances resulting in a delay of *any* duration encountered *after* Commission notification of a violation are not deemed mitigating factors warranting a downward adjustment of the forfeiture amount.⁴⁴

³⁸ Post-notification remedial efforts cannot mitigate the effects of a violation that results in the issuance of forfeiture. See *Sutro Broadcasting Corporation*, 19 FCC Rcd 15274, 15277 (2004) (stating that the Commission will generally reduce the assessed forfeiture amount "based on the good faith corrective efforts of a violator when those actions were taken *prior* to Commission notification of the violation") (emphasis added); *CB Radio, Inc.*, Memorandum Opinion and Order, 22 FCC Rcd 8836, 8839-40 (2007) (noting that "it is well established that post-investigational efforts to correct a violation do not mitigate the forfeiture or warrant a reduction in the assessed forfeiture amount"), *recon pending*. However, post-notification remedial efforts may be relevant in determining the ultimate severity of any further or future enforcement action. Thus, for instance, a licensee that takes minimal steps to remedy a violation post-notification could receive an NAL that is significantly higher (by way of an upward adjustment) than a licensee that takes substantial steps to come into compliance as quickly as possible -- although neither licensee can reduce its forfeiture liability for its pre-notification violation.

³⁹ *MO&O*, 21 FCC Rcd at 1035 citing *Forfeiture Order*, 19 FCC Rcd at 24816.

⁴⁰ Cumulus seems to ignore that the condition of its towers represented a significant potential hazard to air navigation. We note that if the Commission were to take no action after observing the non-compliant condition of the towers, the Commission would be failing to meet its responsibilities for assisting in air navigation safety.

⁴¹ *Tower Properties of Florida, Inc.*, Forfeiture Order, 18 FCC Rcd 26094, 26096 (Enf. Bur. 2003) ("*Tower*") (once notified by the Commission of a tower painting violation, subsequent unforeseen and unavoidable circumstances which allegedly caused a delay in remedial efforts to comply with the rules were not deemed mitigating factors and had no bearing on the subject forfeiture).

⁴² Application for Review at 8.

⁴³ *Tower*, 18 FCC Rcd at 26096.

⁴⁴ *MO&O*, 21 FCC Rcd at 1035 citing *Tower*, 18 FCC Rcd at 26096.

B. History of Compliance

15. Background. Section 1.80 of the Rules contains criteria for downwardly adjusting forfeiture amounts that are determined in accordance with Section 503 of the Act. One such criterion is a history of overall compliance with the Commission's Rules. Forfeiture amounts have been downwardly adjusted in cases where Commission licensees or regulatees claim, and agency records (including Commission, Bureau and Field Office decisions) confirm, a history of overall compliance with the requirements of the Act and the Rules.

16. Discussion. We conclude that the record does not support a downward adjustment of the forfeiture based on a history of overall compliance with the Commission's Rules. In the Application for Review, Cumulus again seeks a downward adjustment of the forfeiture amount due to a history of compliance.⁴⁵ Cumulus argues that although it owns more than 260 stations and has "numerous violations," the number of violations is comparatively very small.⁴⁶ Our records for Cumulus provide that a number of the Enforcement actions noted in its enforcement history are for violations of the Commission's tower painting rules. Accordingly, based on these noted previous tower violations by Cumulus, we do not believe that a history of compliance reduction would be appropriate. Cumulus also argues that "it is unfair to portray it as an entity that does not respect the Commission's rules."⁴⁷ Cumulus mischaracterizes the Commission's decision not to downwardly adjust the forfeiture amount on the basis of a history of compliance with the rules. Cumulus is not being punished for these other rule violations; rather, the Commission simply finds that these violations preclude mitigation of the forfeiture amount on the basis of a history of overall compliance.

C. Conclusion

17. We have examined Cumulus' Application for Review pursuant to the statutory factors above and in conjunction with the *Forfeiture Policy Statement* as well. As a result of our review, we affirm the MO&O's conclusion that Cumulus willfully and repeatedly violated Section 17.50 of the Rules and that it is not entitled to a reduction in the assessed forfeiture amount.

IV. ORDERING CLAUSES

18. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 1.115 of the Rules,⁴⁸ the Application for Review filed by Cumulus Licensing Corporation of the Enforcement Bureau's *Memorandum Opinion and Order* **IS DENIED**.

19. **IT IS ALSO ORDERED THAT**, pursuant to Section 503(b) of the Act and Section 1.80(f)(4) of the Rules,⁴⁹ Cumulus Licensing Corporation **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 17.50 of the Rules.

⁴⁵ Cumulus first sought a downward adjustment of the forfeiture amount on the basis of a history of compliance in its Response to the *NAL*. The Bureau *Forfeiture Order* denied the request for the downward adjustment based on evidence of numerous violations by Cumulus connected with the operation and maintenance of its other stations. See *Forfeiture Order*, 19 FCC Rcd at 24818. Cumulus did not request a history of compliance reduction in its Petition for Reconsideration of the *Forfeiture Order*.

⁴⁶ Application for Review at 7.

⁴⁷ *Id.*

⁴⁸ 47 CFR § 1.115.

⁴⁹ 47 C.F.R. § 1.80(f)(4).

20. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

21. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to Cumulus Media Inc., 111 East Kilbourn Avenue, Suite 2700, Milwaukee, Wisconsin, 53202, and its Counsel, Mark N. Lipp, Wiley Rein LLP, 1776 K Street NW, Washington, DC 20006.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary